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August 21, 2023

**VIA ECF**

The Honorable Colleen McMahon  
United States District Judge  
United States District Court  
Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 24A  
New York, NY 10007-1312  
Email: ChambersNYSDMcMahon@nysd.uscourts.gov

Re: Nespresso USA, Inc. et al. v. Peet's Coffee, Inc., 1:22-cv-02209-CM-RWL

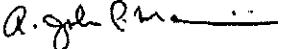
Dear Judge McMahon:

We represent Plaintiffs Nespresso USA, Inc. et al. ("Plaintiffs") in the above-referenced proceeding. We write jointly with counsel for Defendant Peet's Coffee, Inc. ("Peet's") and are pleased to inform the Court that the parties have reached agreement on the material terms of a settlement, have executed a confidential and binding Term Sheet, and are working diligently to draft and finalize a definitive settlement agreement that will enable the dismissal of this proceeding, with prejudice. The parties have separately written to Magistrate Judge Lehrburger to inform him of the same.

In light of this development, the parties respectfully request that the stay of proceedings (Dkt. No. 117) remain in effect until the parties have executed a definitive settlement agreement, after which the parties anticipate promptly dismissing the action.

The parties thank the Court for its time and consideration.

Respectfully submitted,



A. John P. Mancini

Cc: Counsel of Record (via email).